

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 18-292
)	
ROBERT BOWERS)	

JOINT STATUS REPORT

The parties, through undersigned counsel, have met and conferred as directed by the Court. *See* ECF 778. The parties further state as follows:

1. In light of the Court’s setting the “presumptive first day of voir dire” for April 24, 2023, ECF 788, the parties agree to submit a joint proposal suggesting additional deadlines and start dates for case-related matters and issues that are not already addressed in prior orders by the Court. The parties agree to submit the joint proposal by October 31, 2022.
2. The following matters are fully or partially briefed and pending further ruling by the Court:
 - a. Motion for Confidential Testing (fully briefed);
 - b. Joint Proposed Jury Selection Procedures and Juror Questionnaire (fully briefed);¹

¹ The defense requested a modification to its Proposed Question 43(a) of the Juror Questionnaire, which the government opposed. *See* ECF 780 at 14-15 (proposing a modified question regarding religious affiliation to mirror a Pew Research Survey question); ECF 790 at 5-6 (government response).

- c. Motion to Conduct a Survey of Potential Jurors to Determine Religious Affiliation (defense reply due on September 29, 2022);
 - d. Renewed Motion to Dismiss the Counts Charging Use of a Firearm in Connection with a Crime of Violence (government's response due on October 5, 2022; defense reply due on October 17, 2022);
 - e. Motion to Prohibit the Death Qualification of Jurors (government's response due on September 30; defense reply due on October 11, 2022);
 - f. Motion to Exclude Evidence Based Upon Insufficiency of Disclosures (defense supplement due September 30, 2022; government's response due October 14, 2022; defense reply due October 21, 2022).
3. The following matters are scheduled to be briefed or disclosed:
- a. Motion to Trifurcate the Proceedings (defense motion due on October 31, 2022; government's response due on November 14, 2022; defense reply due on November 28, 2022);
 - b. Defense compliance with guilt-phase Rule 16 (b) obligations (deadline of October 25, 2022);
 - c. *Daubert* challenges to expert testimony (motions due on November 7, 2022; responses due on November 28, 2022; replies due on December 1, 2022);
 - d. Joint Proposed Jury Instructions and Verdict Forms (due January 13, 2023);

e. Rule 12.2(b)(2) Notice (defense notice due on February 23, 2023; joint statement and briefing on mental health procedures due on March 9, 2023).

4. Based upon its review of the government's guilt phase expert disclosures, and consultation with experts, the defense intends to file a motion seeking the inspection of certain hardware and software used by the government in its forensic analysis of items of evidence, including `lg_knock_bruteforce.py`, `CAKE v. 1.5.7`, and `Gladiator Autonomous Receiver Hardware and Software`. The defense expects to file the motion no later than October 10, 2022. The United States will oppose this motion.

5. The Court has scheduled a status conference for December 15, 2022, at 1:00 p.m.

Respectfully submitted,

/s/ Judy Clarke

Judy Clarke

Clarke Johnston Thorp & Rice, PC

/s/ Michael N. Burt

Michael N. Burt

Law Offices of Michael Burt, PC

/s/ Michael J. Novara

Michael J. Novara

First Assistant Federal Public Defender

/s/ Elisa A. Long

Elisa A. Long

Supervisory Assistant Federal Public
Defender

CINDY K. CHUNG

United States Attorney

/s/ Troy Rivetti

Troy Rivetti

Assistant U.S. Attorney

PA ID No. 56816

/s/ Soo C. Song

Soo C. Song

Assistant U.S. Attorney

D.C. Bar No. 457268

/s/ Eric G. Olshan

Eric G. Olshan

Assistant U.S. Attorney

IL ID No. 6290382

/s/ Nicole Vasquez Schmitt

Nicole Vasquez Schmitt

Assistant U.S. Attorney

PA ID No. 320316

/s/ Mary J. Hahn

Mary J. Hahn

Trial Attorney

Civil Rights Division

DC ID No. 500193